

**AFFIDAVIT OF LARRY CARY EXHIBIT F(2)**

**Section 25.** The Assistant Director of New Jersey International and Bulk Mail Center shall be an employee of the New Jersey International and Bulk Mail Center and shall, under the direction of the President, assist the Director of the New Jersey International and Bulk Mail Center in all organization and grievance work and perform such other duties as may be assigned by the President. The Assistant Director of the New Jersey International and Bulk Mail Center shall receive an annual salary of \$2,600.00 plus substitution for lost postal pay and/or equivalent reimbursement for authorized time spent on union business during non-work hours. Total substitution and equivalent reimbursement shall not exceed eight (8) hours in a given day.

**Section 26.** Sick leave and annual leave benefits shall be accrued at the same rate as they would have accrued had the full-time officer continued to work in the Postal Service. Requests for sick leave above and beyond that accrued must be supported by legally permissible documentation and approved by the president with the right to appeal a denial of sick leave to the Executive Board.

**Section 27.** All full-time officers are responsible for his or her share of contributions to his or her retirement plans.

**Section 28.** In the absence or incapacity of the President or in case of a vacancy in that office, the Executive Vice-President or, if unavailable, the Director of Industrial Relations, shall perform the duties of the President. If neither the Executive Vice-President nor the Director of Industrial Relations is available, a vacancy in the office of the President shall be filled by an election requiring two-thirds (2/3) vote of the Executive Board members, voting at the next Executive Board meeting. Such election shall be advertised in advance.

**Section 29.** All full time officers shall be covered by the American Postal Workers Union Retirement Plan. Contributions shall be made by the officers and the Union in

accordance with provisions of the American Postal Workers Union Retirement Plan.

**Section 30.** When the Postal Service does not contribute its normal share for any union officer, because of union activity, to the life insurance and health benefits plans, the Union will contribute the employer's share while the officer will contribute the normal employee's share.

**Section 31.** Officers are responsible for his or her share of social security taxes on salary, substitution and /or equivalent reimbursement.

**Section 32.** Delegates to the national and state conventions shall be paid the following expenses: (a) transportation, (b) cost of hotel accommodations, (c) all registration fees, (d) per diem expenses for meals and other incidentals as approved by the Executive Board, (e) necessary substitution or equivalent reimbursement.

**Section 33.** Any officer or steward absent from three (3) successive membership, Executive Council, and/or Executive Board meetings, unless sick or on leave, and giving due notice of the fact to the Secretary on or before the meeting date, shall be given written notice that due to their delinquency, they are subject to removal pursuant to article 15 of APWU's National Constitution and bylaws.

**Section 34.** Officers shall not engage in any private business activities in which the Union, its members, or the postal service are interested parties.

**Section 35.** Every part-time field officer, coordinator, chief steward or craft representative of the union who receives a salary shall be required to spend a sufficient amount of time in the office or in the field on union business to cover his or her union salary at the appropriate rate prior to any claim for equivalent reimbursement.

A. In the event such union official fails to spend the necessary time in the

office or in the field on a monthly basis, payment for any claim for necessary substitution or equivalent reimbursement shall be held until that field officer, coordinator, chief steward or craft representative makes up the time.

*B.* A field officer, coordinator, chief steward or craft representative shall be excused from this obligation in the event he/she is being carried on authorized leave from his/her job with the U. S. Postal Service. The officer's time shall be monitored by the president, Treasurer or president's designees.

#### ARTICLE 8 Board of Trustees

*Section 1.* The Board of Trustees shall consist of five (5) members in good standing elected at the same time pursuant to the same procedures as are local officers.

*Section 2.* The Trustees shall have general supervision over the property and funds of the Union. They shall examine all financial records quarterly (January, April, July and October) and submit reports to the following membership meetings.

*Section 3.* They shall, at their discretion, examine and investigate any financial transaction or situation and report their findings to the Executive Board, or the membership meetings, as they deem desirable.

*Section 4.* They shall determine the amount of bonds of officers and stewards of the Union.

*Section 5.* The Board of Trustees shall make proper provision for the safety of the property of the Union.

*Section 6.* The Chairperson of the Board of Trustees shall be appointed from among them by the President.

#### ARTICLE 9 Miscellaneous Positions

*Section 1.* The President shall

determine the number of assistant Sergeants-At-Arms on an as needed basis. The Sergeant-at-Arms shall be appointed by the President with the approval of the Executive Board. He or she shall monitor Membership and Executive Council meetings, report to the President those present without proper credentials, maintain decorum, see to the proper display of the American flag and perform such other duties as are necessary for the proper conduct of Union meetings. The Sergeant-at-Arms shall maintain the Attendance Register at each membership meeting and it shall be the responsibility of each attending member to sign the Register. At the adjournment of the meeting, the Register shall be turned over to the Secretary who shall close the meeting's list with his/her signature. This Register shall be the only means of determining meeting attendance and shall be used for no other purpose. No change can be made in the list after the Secretary has closed it with his or her signature. The Sergeant-at-Arms shall receive an annual salary of \$650.00, plus substitution for lost postal pay and/or equivalent reimbursement for authorized time spent on union business during non-work hours. Total substitution and equivalent reimbursement shall not exceed eight (8) hours in a given day.

*Section 2.* The Editor shall be responsible for the regular publication of the Union's official newspaper under the direction of the President and the Secretary and such other duties as may be assigned by the President. He or she shall receive an annual salary of \$3,300.00, plus substitution for lost postal pay and/or equivalent reimbursement for authorized time spent on union business during non-work hours. Total substitution and equivalent reimbursement shall not exceed eight (8) hours in a given day.

*Section 3.* The Managing Editor shall assist the Editor, be responsible for the mailing and business arrangements of the paper and such other duties as may be assigned by the President. The Managing Editor shall receive an annual salary of \$2,500.00 plus substitution for lost postal pay and/or equivalent reimbursement for

authorized time spent on union business during non-work hours. Total substitution and equivalent reimbursement shall not exceed eight (8) hours in a given day.

**Section 4.** A Chief Steward shall be utilized in terminals where several stewards are on the same tour. A Chief Steward shall be directly responsible to the Vice-President in charge of the Terminal or Station. In addition to all other duties and responsibilities of a steward, the Chief Steward shall coordinate the stewards in his or her section, tour, or division. The Chief Steward shall assist in handling of grievances and implementation of all Union policies, under the direction of the President, and perform such other duties as may be assigned by the President. Chief Stewards shall receive an annual salary of \$2,300.00 plus substitution for lost postal pay and/or equivalent reimbursement for authorized time spent on union business during non-work hours. Total substitution and equivalent reimbursement shall not exceed eight (8) hours in a given day.

**Section 5.** Coordinators shall coordinate the Stewards in the stations assigned to them. They shall assist in adjusting grievances and disciplinary actions. Coordinators shall also be available to inspect any adverse physical conditions whenever called upon. Each Coordinator shall be required to visit each assigned station as often as required by the President. They shall be responsible to the President and also perform such other duties as may be assigned by the President. Coordinators shall receive an annual salary of \$2,300.00, plus substitution for lost postal pay and/or equivalent reimbursement for authorized time spent on union business during non-work hours. Total substitution and equivalent reimbursement shall not exceed eight (8) hours in a given day.

**Section 6.** The Director of Human Relations shall direct programs of community and social services as they pertain to postal workers and such other duties as may be assigned by the President. The Director of Human Relations shall receive an annual salary of \$2,500.00, plus substitution for lost

postal pay and/or equivalent reimbursement for authorized time spent on union business during non-work hours. Total substitution and equivalent reimbursement shall not exceed eight (8) hours in a given day.

**Section 7.** Craft Representatives shall assist in the particular problems of their craft in the Station, Facility or Terminal in which they are appointed, under the direction of the President. They shall also perform such other duties as may be assigned them by the President. The Craft Representatives shall receive an annual salary of \$650.00, plus substitution for lost postal pay and/or equivalent reimbursement for authorized time spent on union business during non-work hours. Total substitution and equivalent reimbursement shall not exceed eight (8) hours in a given day.

## ARTICLE 10 Executive Board

**Section 1.** The Executive Board shall consist of the officers of the Union named in Article 7, Section 1.

**Section 2.** Subject to the provisions of this Constitution and By-Laws and of the National Constitution and the delegations of authority therein provided, the supreme authority in this Union shall be vested in the membership acting through membership meetings or by referendum; between the membership meetings such authority shall be vested in the Executive Board.

**Section 3.** The Executive Board shall meet once a month and at the call of the President. The President shall be required to call a meeting of the Executive Board within seven (7) days after written request signed by a majority of the Executive Board.

## ARTICLE 11 Executive Council and Stewards

**Section 1.** The Executive Council shall consist of the officers of the Union and of all of its Stewards, Chief Stewards, Coordinators,



Craft Representatives, the Editor, the Managing Editor, the Director of Human Relations, the Sergeant-at-Arms and members of the Board of Trustees

*Section 2.* The Executive Council shall meet prior to the regular membership meeting at the call of the President.

*Section 3.* The effective representation of the members of the Union, the enforcement of their rights under collective bargaining agreement and under the Local and National Constitutions, and the capacity of the Union and its officers to carry out their assigned responsibilities depend, to a major extent, on the proper functioning of a sound steward system.

*Section 4.* The maintenance of an effective, efficient steward system with reasonable representation for each segment of the membership shall be a primary responsibility of the President. To that end, the President, with the approval of the Executive Board, shall designate those pay location(s) of employees of the postal service which shall be entitled to elect and be represented by a steward. The pay location(s) may be a station, a division, a section, a tour, or any part or combination thereof or any other grouping of employees which will most efficiently and effectively service the membership. The controlling factors in determining appropriate steward pay locations shall be the ease of communication within the group and the most effective representation of employees.

*Section 5.* Stewards shall be elected for a three (3) year term effective with the 1982 election, by and from their respective pay location(s), beginning the calendar week following the October regular membership meeting. The Election Committee shall adopt, subject to the approval of the Executive Board; the rules for the conduct of Steward elections.

A. If a designated pay location is vacant for a ninety (90) day period after the posting of a vacancy, the President shall have the option, in his or her sole discretion, of

eliminating the designated pay location and assigning a steward from another pay location to also represent the employees at the pay location so eliminated

*Section 6.* Stewards, within their division, station, section, or assigned territories, shall build the Union, diligently represent the members in handling grievances, publicize and carry out the Union's policies, maintain the Union's bulletin boards and assist the members wherever possible in their Postal and welfare problems. They shall submit all unresolved grievances in writing to the President or his or her designee. They shall, in addition, perform such other duties as may be assigned by the President.

*Section 7.* It shall be the obligation of all elected and appointed officers and stewards to forward to the Treasurer all monies collected within seven calendar days after such monies are collected.

*Section 8.* Stewards will be paid quarterly, according to the number of members they represent: 1-39 members - \$75; 40-59 members - \$100; 60-79 members - \$125; 80 or more members - \$150.

*Section 9.* The President may remove any steward for just cause. The President must notify the steward, stating the reason in writing, by certified mail, return receipt requested. Any removed steward may appeal his or her removal to the Executive Board, either in writing or in person, not later than fifteen (15) days of when notified, or at the following Executive Board Meeting, which ever is later. It shall require a majority of those Executive Board members voting to reinstate a removed steward.

*Section 10.* The President shall have the power to appoint a steward to fill any vacancy until the expiration of the term.

## ARTICLE 12

### Nominations and Elections

*Section 1.* Prior to each election year,

the President shall appoint, with the approval of the Executive Board, an Election Committee of three members and two alternates, none of whom may be a candidate for or the holder of any elective or appointive position in the Union. The Election Committee shall properly meet, elect from among themselves a chairperson and secretary and draw up proposed Rules for the conduct of the election. The Rules shall be designed to provide a reasonable opportunity for all members in good standing to vote and for the candidates, personally or by their representatives, to observe the election procedures, and to ensure the secrecy of the ballot. Any member who feels aggrieved in connection with the conduct of the local election shall file his or her objection in writing to the election committee. Such objection shall be sent by certified mail, postmarked within seventy-two (72) hours after the date that the objection arises. (For the purpose of this article, the term "election" shall include nominating procedures.)

*Section 2.* A copy of the proposed election rules shall be posted on all bulletin boards, printed in the union newspaper, and made available to any member in good standing at the union office on or before the first regular work day after January 10th of each election year.

*Section 3.* The Election Committee shall adopt the rules to govern the election on or before January 26th of the election year. These rules, and any subsequent modification of the rules, if practicable, shall be posted on all union bulletin boards and provided to all candidates by mail.

*Section 4.* A copy of the adopted Rules shall be available to any member in good standing at the Union office on and after the first day of February of the election year.

*Section 5.* Nominations for all officers and trustees shall be made at the February membership meeting of the election year.

*Section 6(a).* Any member in good standing shall be eligible to be a candidate for

officer or convention delegate provided he or she has been a member in good standing continuously for one (1) year prior to the nominating meeting, with the following exceptions.

(b). Any member who has an application pending for a supervisory position in the Postal Service through participating in the PASS program or other similar programs shall be ineligible to be a candidate for or hold any elective or appointive office or position in the Union including, but not limited to, chief steward, steward, coordinator or craft representative.

(c) Any employee eligible to be a member of the union who voluntarily holds a managerial, supervisory or EAS position with responsibility for issuing or recommending discipline, or applying or interpreting the national agreement for the equivalent of a two week period in a year shall be ineligible to hold to hold office in the union or be a delegate to any convention, so long as the employee continues to serve in such position and for a period of one (1) year from the time the employee vacated such position.

(d) Any member who has submitted an application for a managerial, supervisory or EAS position with responsibility for issuing or recommending discipline or for applying or interpreting the national agreement shall withdraw such application prior to acceptance of nomination for any office in the union.

*Section 7(a).* Any member in good standing can nominate an eligible member. Nominees may announce acceptance in person at the nominating meeting or by written statement submitted to the Election Committee. The Election Committee will inform any member nominated but not present at the meeting of his or her nomination and advise him or her of the deadline for accepting the nomination.

(b). All unopposed candidates shall be elected by acclamation. Their names will not appear on the ballot.

*Section 8.* The term of office shall be three (3) years effective with the March 2000

election. The trustees and officers, with the exception of Craft Division officers, shall be elected by the membership of the Union at large. The Craft Division officers shall be elected by and from the members of their respective crafts.

*Section 9.* The election of officers and trustees shall be held by secret mail referendum. The Election Committee, shall employ the services of an experienced, independent organization to conduct the election, count and tally the ballots and report the results thereof in writing to the Election Committee immediately after the balloting has been completed. Write-in votes shall not be counted.

*Section 10.* The secretary shall certify and deliver during the month of February of each election year, the names and addresses of all members in good standing to the election committee. The Election Committee shall deliver the list to the organization employed to conduct the election. Such list shall be available to any candidate or their representative, during the first calendar week in March of the Election year at the office of the Union for the sole purpose of checking the accuracy of such list. Any objection to the accuracy of the list shall be made in writing to the Election Committee by registered mail postmarked not later than March 10th of the election year. Not later than March 15th of the election year, the Election Committee shall certify its approved list and make available at the Union office for the sole purpose of checking by any candidate or his or her representative.

*Section 11(a).* The order in which the names of the candidates for office shall appear on the ballot for the office designated shall be determined by drawing the names from a receptacle in the presence of the candidates or their duly authorized representatives, and each name arranged on the ballot under their respective titles, in order drawn.

*(b).* Whenever a group of candidates representing at least sixty percent (60%) of the offices to be filled desire to run

together as a slate by having their names grouped together on the ballot, they shall notify the Election Committee. The names of candidates to be grouped on the slate, accompanied by the signatures of the nominees, shall be submitted to the Election Committee.

*(c).* If more than one group makes such a request, the position on the ballot shall be determined by the number of candidates on the slate. The group filing for the greater number of candidates shall be entitled to receive the first position on the ballot. The next greater number of candidates filing as a group shall receive the second position on the ballot, etc.

*(d).* Whenever two or more groups file the same number of candidates for office, the group filing with the larger number of incumbents shall be entitled to receive the first position on the ballot. In the event there is more than one additional slate of candidates, there shall be a drawing under the supervision of the Election Committee for the other positions on the ballot.

*(e).* When a group of candidates qualifies as a slate, the ballot shall be set up so as to permit a voter to cast his vote by marking a single cross at the top of the slate of candidates of his/her choice.

*Section 12.* Each candidate may designate one (1) member in good standing to be a watcher, at no expense to the Union.

*Section 13.* Prior to the election, the Secretary shall circulate sample ballots for posting in all stations, these sample ballots shall be so marked and shall be of a color other than that of an official ballot.

*Section 14.* No later than March 30th of the election year, the Election Committee shall require the independent organization employed for such purpose to mail out the ballot to each good standing member at his or her last known home address. Accompanying such ballot shall be a notice advising the member of the last date on which the voted ballot has to be mailed back in order to be counted. Such date of return mailing shall be



at least twenty (20) days after the date on which the ballots are mailed.

*Section 15.* Any candidate or his or her authorized representative may, in the course of sorting and counting of the ballots, challenge the validity of any ballot stating the reason for the challenge. The Election Committee shall decide the challenge.

*Section 16.* The Election Committee shall declare the candidate who receives the plurality of the valid votes as the duly elected officer to that position.

*Section 17.* Decisions of the Election Committee may be appealed pursuant to Article 12, Section 8 of the National Constitution and By-laws.

*Section 18.* All ballots, tally sheets and other election records shall be preserved by the Election Committee for at least one year after all appeals have been exhausted, at the Union office.

#### ARTICLE 13 Convention Delegates

*Section 1.* The Election Committee shall adopt Rules for the election of convention delegates, which shall embody as closely as practicable the procedures for nomination and election of officers, except that the election shall be by secret ballot on the day of and at the place of membership meeting, after at least fifteen (15) days notice mail to each good standing member at his or her last known home address. To be eligible, members must meet the requirements of Article 12, Section 6.

*Section 2.* Not less than three (3) months prior to the opening date of any convention the number of delegates to represent the Union shall be determined by a regular membership meeting.

*Section 3.* The President shall have the authority, to fill any vacancy in any national

convention delegation. The President shall have the authority to fill any vacancy in any state convention delegation with elected alternate delegates.

#### ARTICLE 14 Committees

*Section 1.* There shall be the following standing committees: (a) Membership, (b) Grievance-Seniority, (c) Constitution, (d) Part-Time Flexibles, (e) Legislative Publicity, (t) Editorial Board, (g) Good and Welfare.

*Section 2.* A committee may be established by the President at the direction of the Executive Board or the membership meeting.

*Section 3.* All members in good standing shall be eligible to serve on any committee and may apply to the President for Committee Membership.

*Section 4.* Committee reports shall be made at Membership Meeting, except a report of the Constitution Committee recommending an amendment shall first be made to the Executive Board.

#### ARTICLE 15 Union and Membership Protection

*Section 1.* The following shall constitute offenses the commission of which shall subject any officer or member of the Union to disciplinary action as Set forth herein: (a) Violating any provision of the Constitution or failure to perform duties or functions specified or required herein; (b) Engaging in a movement which has for its purpose the fostering of a rival organization; (c) Violating the right of members to be free from discrimination on the basis of race, color, creed, sex, sexual orientation, nationality, handicap, political affiliation, age, religion or national origin; (d) Engaging in conduct harmful to the Union, damaging the Union's capacity to properly represent and service its members, or otherwise adversely affecting the Union in carrying out its obligations or



exposing the Union to civil liability; (e) Joining or lending active support to any organization or movement whose purpose and objectives are contrary to the fundamental principles of the Government of the United States of America; (f) An officer or member found guilty of any of the foregoing after the filing of charges and the holding of hearings and other procedures as prescribed in this Article may be disciplined by probation, suspension, expulsion, or other appropriate disciplinary action.

*Section 2(a).* The entire Executive Board or portion thereof shall have jurisdiction to hear and determine any and all charges under this Article.

(b). All charges shall be in writing signed by the accuser and shall be sufficiently explicit so as to inform the accused of the nature of the offense with which the accused is charged.

(c). Except in cases of suspensions or expulsion for nonpayment of dues or per capita, no disciplinary action shall be taken for violation of any of the provisions of this Constitution until the accused individual or a subordinate body has been accorded the following procedures.

(d). Proceedings under this Article may be initiated by any member by filing charges with the Secretary.

(e). The Secretary shall promptly transmit by certified mail or express mail, with all options to include a return receipt, a copy of the charges to the accused at his or her last known address. Copies thereof shall also be transmitted to the National Secretary-Treasurer. Accompanying the charges shall be written notice of the time and place of the hearing, which shall be held not less than one (1) week after the date of mailing of the notice. In the event of a trial board being appointed pursuant to Section (2), such notice of hearing shall be given to the accused by the committee.

(f). The accused shall be accorded a full and impartial trial, with the right to appear personally and be represented by any member of this Union, but whether the accused shall be represented by an attorney in such trial shall

be left to his or her own discretion.

(g). Hearings may be held on a charge notwithstanding the failure of the accused, after being given notice thereof pursuant to the provisions of this Article to appear there at.

(h). Any decision or disposition of charges by the entire Executive Board or portion thereof shall be reduced in writing and submitted as a report to the Secretary of the local union, including a synopsis of the testimony introduced at the trial, together with the verdict "guilty" or "not guilty" and the recommended disciplinary action, if any. Upon receiving the report the Secretary shall read it at the next regular union membership meeting and, in the event of a "guilty verdict, submit first the question of sustaining the report as to guilt or innocence and if guilt is determined, then the question of accepting or rejecting the recommended disciplinary action.

*Section 3(a).* Any person or body against whom disciplinary action has been taken or whose charges have been dismissed in whole or in part shall have the right to appeal (1) to the President, (2) to the National Executive Board and (3) to the National Convention.

(b). Appeals shall be made within a reasonable time not to exceed thirty (30) days from the date that notice of disposition of charges is received; provided, however, that the appellate body may, at its discretion, extend such time for appeal if circumstances so warrant. Appeals shall be in writing and shall state the basis of the appeal. The appellant shall be permitted to present such appeal in person before any appellate tribunal, provided, however, that in the case of an appeal to a National Convention, the appellant shall be limited to appearance before the Convention Committee established to deal with appeals unless such appeals committee or the convention itself determines to permit a personal appearance before the Convention.

(c). Individuals against whom disciplinary action has been taken shall be obliged to exhaust all remedies provided for in this Article before resorting to a court of law or other tribunal.

**ARTICLE 16**  
**Referendum**

*Section 1.* Any motion, resolution, or amendment rejected in whole or in part at a regular or special membership meeting may be submitted to referendum vote of the general membership. A petition signed by fifteen percent (15%) of the members in good standing shall be sufficient to initiate such action.

*Section 2.* Before such a petition may be circulated and prior to the next regular membership meeting, the Secretary must be notified by registered mail and be furnished with a copy of the proposed petition which shall include the question to be voted on. The Secretary shall advise the petitioner, within three (3) days of receipt of copy of petition, of the number of members in good standing at the time of the previous meeting.

*Section 3.* The petition, properly signed, must be submitted to the Secretary no later than the day of the membership meeting next succeeding the meeting at which notification was accepted.

*Section 4.* The Secretary shall read the petition to the membership meeting. The President shall employ an independent outside ballot association which shall, within sixty (60) days, conduct the referendum, count and tally the ballots, and declare the results in a certified report submitted to the President and Secretary immediately following the completion of the referendum.

*Section 5.* All questions other than constitutional amendments shall be decided by a majority vote of those voting.

*Section 6.* There shall be included in the mailing of the ballots one (1) argument, not to exceed one thousand (1000) words, on each side of the question at issue. In the event more than one argument is submitted to represent one side, they shall be returned to the senders for condensation into one (1) brief. The final arguments shall be printed at Union

cost and must be in the hands of the Secretary at least three (3) weeks prior to the date of the referendum vote.

*Section 7.* No motion, resolution, or amendment adopt by referendum vote can be repealed or amended within six (6) months after adoption.

**ARTICLE 17**  
**Amendments**

*Section 1.* Proposed amendments to this constitution (a) may be submitted in writing to the Secretary, signed by at least fifteen percent (15%) of the members in good standing or (b) may be submitted to the Secretary at a membership meeting by a majority vote of the Executive Board.

*Section 2.* Proposed amendments shall require readings at two (2) consecutive membership meetings, shall be published in The Union Mail, and shall be advertised as part of the order of business and voted on at the second meeting.

*Section 3.* For adoption, the amendments shall require approval of two-thirds (2/3) vote of the members voting thereon at the second meeting.

*Section 4.* Any amendment which would increase membership dues shall be voted upon separately and, for adoption, shall require approval by a majority of the members voting thereon by secret ballot.

